

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
NORTHERN DIVISION

FILED

NOV 04 2020

Matthew St. Pierre
CLERK

<p>MATTHEW ST. PIERRE,</p> <p style="text-align: center;">Petitioner,</p> <p style="text-align: center;">vs.</p> <p>UNITED STATES OF AMERICA,</p> <p style="text-align: center;">Respondent.</p>	<p style="text-align: center;">1:20-CV-01010-CBK</p> <p style="text-align: center;">ORDER</p>
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Petitioner filed a motion to vacate, set aside, or correct his conviction and sentence. He has also filed a motion “to request lift of separatee.” There is no such thing in federal law as a “separatee.” Petitioner seeks an order allowing him to have contact with his co-defendant based upon his claim that they have a child together.

Petitioner and his co-defendant, Desarae Makes Him First, were arrested in October 2016, and detained pending trial on first degree murder charges. They both pleaded guilty to second degree murder in connection with the death of Ms. Makes Him First’s daughter. Defendant was sentenced to 480 months imprisonment and his co-defendant was sentenced to 365 months imprisonment. While she was in custody awaiting trial, Ms. Makes Him First gave birth to a child on April 4, 2017. She reported to the U.S. Probation Officer that she does not know who fathered the child. Petitioner claimed that he was the father.

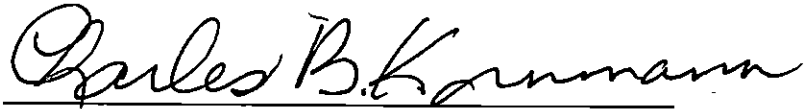
Petitioner is under no restrictions from this Court as to the conditions of his confinement. The conditions of his confinement are solely determined by the Federal Bureau of Prisons (B.O.P.). The B.O.P. has restrictions upon inmate correspondence with inmates of other institutions, *see* 28 C.F.R. § 540.17 and Program Statement 5265.14. Motions to vacate, set aside, or correct sentence pursuant to 28 U.S.C. § 2255 address the fact and duration of a petitioner’s confinement, not the rules and regulations of such confinement. *See Spencer v. Haynes*, 774 F.3d 467, 469-70 (8th Cir. 2014). Such claims must be addressed through the prison’s grievance procedures and litigated, if at all, in the district in which a prisoner is confined.

Now, therefore,

IT IS ORDERED that the motion, Doc. 15, is denied.

DATED this 4th day of November, 2020.

BY THE COURT:

A handwritten signature in black ink, reading "Charles B. Kornmann". The signature is written in a cursive style with a large, stylized "C" and "K".

CHARLES B. KORNMAN
United States District Judge